

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Board of Trustees, Sheet Metal Workers')	
National Pension Fund, et al.,)	
)	
Plaintiffs)	
)	1:08cv1139 (JCC/TCB)
v.)	
)	
Green Mechanical, Inc.,)	
)	
Defendant.)	

ORDER

Upon consideration of the April 24, 2009, Report and Recommendation of the United States Magistrate Judge designated to conduct a hearing in this matter, no objection having been filed within ten days, and upon an independent review of the record, it is hereby

ORDERED that the court adopts as its own the findings of fact and accepts the recommendation of the United States Magistrate Judge. The Clerk of Court shall enter default judgment in favor of the Plaintiff Sheet Metal Workers' National Pension Fund, the International Training Institute for the Sheet Metal and Air Conditioning Industry, the National Energy Management Institute Committee, the Sheet Metal Workers' International Association Scholarship Fund, and the Sheet Metal Occupational Health Institute Trust Fund, collectively, and against defendant Green Mechanical, Inc., in the amount of \$83,435.45: \$59,502.64 in unpaid contributions; \$8,886.74 in accrued interest through February 20, 2009; \$11,900.11 in liquidated damages; and \$3,145.96 in reasonable attorneys' fees and costs.

It is further ORDERED

1) that the defendant be ordered to file remittance reports, if not already filed, and make payments due, within twenty (20) days of the date of this Order, for the period of October 2006 through

August 2008 for the National Funds, and for all other periods for which it is obligated until the expiration of the current collective bargaining agreement and extensions thereto.

2) that defendant be ordered to permit plaintiffs to conduct an audit of its wage, payroll and personnel records, within twenty (20) days of the date of this Order, for all periods for which defendant is obligated to contribute to the Funds under the collective bargaining agreement.

3) that should such an audit reveal unreported hours and that additional contributions are due, defendant be ordered to pay all additional contributions, all interest, and liquidated damages on those unpaid contributions, and all costs of the audit.

4) that defendant, its officers, agents, servants, employees, attorneys, and all persons acting on their behalf or in conjunction with them be restrained and enjoined from refusing to file complete, proper and timely remittance reports with accompanying contributions for all periods for which the defendant is obligated to do so under its current and future collective bargaining agreements.

Alexandria, Virginia
June 29, 2009



/s/
James C. Cacheris
United States District Judge